IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 28605 of 2007(E)

PETITIONER:

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1. GOPAN A., MOOVARACKAL VEEDU,
POONTHOPPU WARD, AVALUKUNNU P.O,
ALAPPUZHA DISTRICT.

2. ANISH BABU, MANNATHUVILA VEEDU,
KARICKAL, KARIMPINPUZHA P.O.,
PUTHOOR, KOLLAM DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

3. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM REPRESENTED BY ITS
SECRETARY.

R3 BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC
R1 & 2 SR. GOVERNMENT PLEADER SHRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD A/W W.P(C) 19613/07 & CONNECTED CASES ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 28605/07

PETITIONERS EXTS:

EXT.P1: TRUE COPY OF NOTIFICATION PUBLISHED IN THE EXTRA ORDINARY GAZETTE DT. 16.12.2003

EXT.P2: -DO- EXTRACT OF RANK LIST PUBLISHED BY R3

EXT.P3: -DO- OF COMMUNICATION DT. 15.5.07 BY THE POLICE HEADQUARTERS

EXT.P4: -DO- OF ORDER DT. 6.9.07 ISSUED BY THE DEPUTY INSPECTOR GENERAL OF POLICE (TRG) THRISSUR

EXT.P5: -DO- OF ORDER IN W.P(C) NO: 29617/07 DT. 27.11.2006

EXTP6: -DO- OF REPRESENTATION DT. 17.7.07 SUBMITTED BY THE SUB INSPECTORS (EXECUTIVE BRANCH) RANK HOLDERS' ASSOCIATION

EXT.P7: -DO- OF ORDER DT. 17.8.2007 IN W.A. NO: 2038/07

RESPONDENTS EXTS:

EXT.R2A: -DO- OF THE G.O DT. 15.3.2004

EXT.R2B: -DO- OF THE LETTER DT. 18.8.2007

jj /TRUE COPY/

P.A. TO JUDGE

V.GIRI, J.

W.P.(C).No.28605 of 2007

Dated this the 19th day of December, 2007.

JUDGMENT

The above writ petition was heard along with a batch of writ petitions involving the same issue viz., W.P. (C) No.29617/06 and connected cases. The batch of cases has been disposed of by a common judgment dated 13.12.2007.

2. Subsequent to the conclusions of the submissions in the other cases, the petitioner herein filed I.A.No.16856/07 with the permission of the court and the same has been posted as "to be spoken to" today on 19.12.2007.

3. I heard learned Senior Counsel Mr.K.Ramakumar and the learned Government Pleader Sri.P.Nandakumar.

4. Learned senior counsel for the petitioner Mr.Ramakumar addressed arguments on I.A.No.16856/07. It is averred in the affidavit in support of the said I.A that the total number of vacancies in the post of Sub Inspectors, as discernible from the detailed

budget estimate for 2007-08 will be 1365; that the respondents have reported 245 vacancies up to 31.12.2007; that the cadre strength should be determined as 1610 and if that be so, another 104 vacancies are remaining to be filled up. Making a reference to the fact that 46 Sub Inspectors were appointed subsequent to 18.10.2007. It is contended that there are 146 vacancies, at present, to be filled up by direct recruitment.

5. A counter affidavit was filed by the Commissioner of Police, Kochi City as authorised by the 2nd respondent Director General of Police to I.A.No.16856/07. It is averred therein that the budget estimate for 2007-08 produced as Ext.P19 in the I.A cannot be taken into account for determining the cadre strength of the Sub Inspector of Police. The cadre strength in the General Executive Branch is 1010 and under the Special Units, it is 367. As a matter of fact, if the details given in Ext.P19 are taken as existing, then the total number of posts will come only to 1183; whereas in the Additional Counter Affidavit filed by the

respondent, it is admitted that the cadre strength including that of Special Units comes to 1377. Reference is made in the said counter affidavit to the crucial details, which will show that the rank list had actually expired on 18.10.2007, going by the proviso to Rule 13 of the Public Service Commission Rules of Procedure.

6. Having gone through the averments in I.A.No.16856/07 and the counter affidavit filed by the respondent and having heard both sides on this aspect, I do not find any reason to alter the conclusions which have already been arrived at in the judgment, relating to W.P.(C)No.29617of 2006 and the connected cases.

In the result, declaring that the directions issued therein will be applicable to the present case also, this writ petitions is also disposed of.

Sd/-

(V.GIRI)

JUDGE

sk/

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